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Application denied

11/9/05

November 4, 2005

HAND DELIVERED

Honorable Richard Conway Casey
 United States District Court for the
 Southern District of New York
 500 Pearl Street, Room 1350
 New York, New York 10007-1312

Re: *In Re: Terrorist Attacks on September 11, 2001, 03 MDL 1570 (RCC)*

Dear Judge Casey:

Plaintiffs in the above-referenced cases hereby move the Court for leave to file a sur-reply to the Reply Memorandum of Law in Support of Motion to Dismiss filed by Defendant Yousef Jameel on October 31, 2005 ("Jameel Reply"). Plaintiffs attempted to resolve this matter with defense counsel. Simply stated, a short sur-reply is required for two reasons: The Jameel Reply contains such invective toward counsel that it falls squarely within this Court's clear admonition on May 25, 2004 regarding *ad hominem* attacks against opposing counsel and requests for professionalism, and second, the Jameel Reply unfairly and inaccurately accuses Plaintiffs of fabricating documents. (Jameel Reply at 1.) No such fabrication occurred.

Plaintiffs understand that it is not the common practice of this Court to allow sur-replies and do not make this request lightly.¹ However, the charges levied by counsel for Yousef Jameel against Plaintiffs' counsel are so unfounded and serious as to merit a short sur-reply. Alternatively, Plaintiffs ask that the offending portions of the Jameel Reply be stricken or disregarded by the Court.

¹ Plaintiffs are aware that, on at least one prior occasion, your Honor has granted leave for the filing of sur-replies in a case pending before you. See *Fezzam v. Bear, Stearns & Co., Inc.*, Case No. 99-CV-793 (RCC), 2004 WL 1781148 (S.D.N.Y. Aug. 10, 2004) (J. Casey).

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Thank you for your consideration of this request.

Respectfully submitted,

Jodi W. Flowers/mp

Jodi Westbrook Flowers

JWF/erh

cc: All Counsel of Record